

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

SEDRICK WILLIAMS

ORDER

11-cr-0054-wmc

Defendant Sedrick Williams entered a guilty plea on September 13, 2011, to one count of distributing a controlled substance, namely, heroin, in violation of 21 U.S.C. § 841(a)(1). On November 10, 2011, this court sentenced Williams to serve a term of 72 months in prison. Williams has now filed a motion to reduce his sentence by one year for completing the Residential Drug Abuse Program offered by the Bureau of Prisons. Although Williams's completion of this program is commendable, the motion must be denied for reasons set forth briefly below.

Sentence reductions for completion of the Residential Drug Abuse Program are governed by 18 U.S.C. § 3621(e). Under the governing statute, "[t]he period a prisoner convicted of a *nonviolent* offense remains in custody after successfully completing a treatment program may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve." 18 U.S.C. § 3621(e)(2)(B) (emphasis added). By its plain terms, however, the statute excludes prisoners convicted of a violent offense from obtaining a reduction in sentence for completing a treatment program. In implementing regulations, the Bureau of Prisons has also interpreted this statute to exclude from eligibility for early release those prisoners

who have been convicted previously of forcible rape. 28 C.F.R. § 550.55(b)(4)(ii) (2014). The United States Supreme Court has upheld a similar exclusion, as well as the Bureau of Prisons' authority to make such exceptions based on pre-conviction conduct. *See Lopez v. Davis*, 531 U.S. 230, 242 (2001); *see also Peck v. Thomas*, 697 F.3d 767, 773-74 (9th Cir. 2012) (upholding the categorical exclusions on early release by previously convicted violent offenders).

The presentence report confirms that Williams has a prior felony conviction for second-degree sexual assault in Dane County Case No. 95CF1562, which resulted in a nine-year prison sentence. While this renders Williams ineligible for early release under 18 U.S.C. § 3621(e), he hopefully has learned important lessons and coping skills that can help him stay clear of future addictive behavior, criminal activity and years of additional prison time.

ORDER

IT IS ORDERED that defendant Sedrick Williams's motion for a one-year reduction in sentence (dkt. # 86) is DENIED.

Entered this 17th day of June, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge